

HALL COUNTY BOARD OF SUPERVISORS MEETING DECEMBER 16, 2003

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION – Invocation was given by Pastor Gary Schulte from Evangelical Free Church. .

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL –Present on roll call were Scott Arnold, Jim Eriksen, Dick Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Bob Rye

Consent agenda - Arnold made a motion and Jeffries seconded to approve the following by consent agenda.

1. Accept and place on file the minutes of the December 5th meeting
2. 8a Approve Resolution #03-0080 for exchange of collateral for Five Points Bank in the amount of \$205,000.00
3. 8b Approve Resolution #03-0081 for exchange of collateral for State Bank of Cairo in the amount of \$100,000.00
4. 9 Approve the liquor license for Gas N Shop I-80 because of the reconstruction of the building
5. 10 approve Resolution #03-0082 requesting that all liquor retailers agree to a voluntary ban on the sale of “zippers” in Hall County
6. 11 Approve Resolution #03-0083 requesting that the Nebraska Liquor Commission reconsider its decision to lift the voluntary ban on the sale of “zippers” in Nebraska
7. 15 Approve the final plats for
Otto-Peters Subdivision
Mohr Subdivision
Steinbeck Subdivision
8. 23 Accept and place on file the office reports from the Hall County Sheriff, Hall and Howard County Juvenile Services, County Court and County Clerk
9. 24 Accept and place on file the Hall County Treasurer’s Miscellaneous Receipts
10. 25 Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Jeffries stated that he would like to add an emergency item to the agenda. Discussion was held on the purpose of the item and if it would qualify as an emergency. County Attorney Jerry Janulewicz stated that the discussion could be held. Jeffries made a motion and Hartman seconded to add closing on December 26th to the county board agenda. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

OFFICE REPORT
HALL COUNTY SHERIFF
OCTOBER 2003

TOTAL FEES AND MILEAGE	\$12,561.00
COPIES	\$ 64.00
HUNDGUN APPLICATIONS	\$ 100.00
TITLE INSPECTIONS	\$ 3,970.00

DLR UPDATE – Lancaster stated that the jail planning committee met December 15th and Tim DeBuse and Martin Berglund were present to update the entire county board. Mr. DeBuse stated that they had a productive meeting. They focused on the information from Corrections Director Dave Arnold concerning the inmate population and the projections. They went back to 1995 and projected forward. Some of the items that could not be track statistically regarding the fire and the self imposed cap on the number of inmate that the county could continue to house had to be considered. The population is classified by the type of security that will be necessary from minimum and to maximum security and male and female inmates. They have projected that the total number of beds necessary will be 330. This projection should meet the needs of Hall County through 2025, or for about 25 years. They also discussed a facility site and a design that would allow future expansion.

They reviewed the site location on Highway 30 and this site has utilities and is well suited for this type of a facility. They will continue to gather information on this property and also on the property that was offered for a site from Southern Public Power at the Cornhusker Army Ammunition Plant.

Their goal is to meet on December 26th and to produce a concept design with a cost estimate and gather more information for the proposed site. Lancaster stated that the reason they wanted to consider another site is because the community was asked for their input.

Hartman questioned if this was a one or two story building and Mr. DeBuse stated that it is a one story building with a mezzanine with the jail cells stacked. They have a facility that the board could look at if the board wishes this facility could be toured in January or they could provide photos or a slide show with the pictures of the building. They planning committee will met December 26th and update the board at the December 30th meeting.

COUNTY ATTORNEY – County Attorney Jerry Janulewicz was present and he stated that he checked the state statutes concerning adding items to the agenda. An emergency item would be to protect life and property and it can be added 24 hours before the meeting, but it does not specify any specific thing. He stated that he does not think this would be challenged.

2a DISCUSS AND TAKE ACTION ON CONTRACT WITH CENTRAL NEBRASKA HUMANE SOCITY – County Attorney Jerry Janulewicz was present and this item was not on the agenda for the last meeting because the Society requested changes. They are requesting a flat fee instead of the current fee schedule. They would like to set the fee at \$3.00 per person for the subdivision outside the city limits. They feel that they cannot provide the services for less than this amount.

With the current contract they receive \$27.00 per hour for the first hour and \$22.80 for the additional hour. They receive 22.5 cents per mile and \$5.00 per day for holding animals the average cost is \$626.00 per month.

County Attorney Jerry Janulewicz reviewed the contract and the services that the Society will offer. This contract will run until the end of the fiscal year and it will be reviewed at that time. Discussion was held on some changes in the wording and they

will be changed. Lancaster questioned if there were any changes in the support level from the previous discussion and Janulewicz stated that they stayed the same.

Jill Hornaday, president of the Humane Society Board reviewed some of the Humane Society's activities. This is the first year for the "Festival of Lights at Stolley Park." They charge \$6.00 a car to drive through and they have had Santa at the Sweet Shop. You can also stop and have cookies with Santa and have items for sale. She stated that they have a dog walk and a "Fur Ball" for fund raising. Jeffries stated that he drove through with his grandkids and was very impressed with the light display.

Mrs. Hornaday stated that the Executive Director of the Society would like to address the board concerning the contract. She distributed information that itemized the services and the additional services that will be provided to the subdivisions. She stated that they will provide services for the entire county for the rest of the year and they felt that it is necessary to charge the \$3.00 per person in the rural areas. The monthly fee would be \$950.00.

Eriksen asked Sheriff Jerry Watson if this would save time for the sheriff's department and Sheriff Watson stated that it would be a considerable time savings. He stated that in 2002 they were called on 23 bite cases and had a total of 375 calls. If it is a public safety issue they will respond but the calls will initially go to the humane society

Jeffries made a motion and Arnold seconded to approve the contract with the Humane Society with the amount of \$950.00 per month for their services. This will run until July 2004 and authorize the chair to sign.

Hartman questioned why an amount was agreed on in executive session and now the board has decided to increase it. Eriksen also expressed concern on the amount. This contract will run for six months and then be reviewed.

Jeffries stated that the amount was not definite and the county needs the services. Lancaster stated that the county wants to pay their fair share. Rye stated that the humane society will be monitoring this and will be able to provide statistical information in six months. Arnold stated that County Attorney Janulewicz was instructed to negotiate with the Humane Society on the cost of the services.

The vote on the motion to approve the agreement with the Humane Society and authorize the chair to sign was taken. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

2b DISCUSS AND TAKE ACTION ON TRANSFER OF VAN TO COUNTY MUSEUM – County Attorney Jerry Janulewicz prepared a resolution to transfer the 1990 GMC Rally Van to Stuhr Museum. This van was first used by Children's Village and then transferred to the Corrections Department. The Corrections Department has not used it for several years and the museum expressed interest in it. Janulewicz stated that if the value is less than \$2,500.00 it could be disposed of without using the competitive bidding process. He did some research on the internet and the value is about \$1,700.00 and the retail value may be about \$3,000.00.

Jeffries stated that it has been stored at the Hall County Park and recently it was parked on the street and something needs to be done with it. Stuhr Museum stated that they

could take the seats out and use it on the museum grounds to haul equipment and other supplies.

Jeffries made a motion and Arnold seconded to approve Resolution #03-0084 authorizing the disposal of a county van to the Museum Board of Hall County. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

RESOLUTION #03-_____

**A RESOLUTION AUTHORIZING THE DISPOSAL OF A COUNTY VAN TO
THE MUSEUM BOARD OF HALL COUNTY**

WHEREAS, the County of Hall is the owner of a 1990 GMC Rally Wagon Van Model G3500, VIN 2GJGG39K7L4505307; and

WHEREAS, the aforesaid van was purchased for use by Hall County Childrens' Village, was subsequently used by the Hall County Department of Corrections, and is no longer required for County purposes due to its age, condition, and cost of operation; and

WHEREAS, said the Hall County Museum Board d/b/a Stuhr Museum of the Prairie Pioneer has use for said van for museum purposes.

NOW BE IT RESOLVED that the Board finds as follows:

1. The aforesaid van is surplus property and is not useable and not required by the County of Hall.
2. The fair market value of said van, considering its age, mileage, and condition, is less than \$2,500.00.
3. Pursuant to the County Purchasing Act, Neb.Rev.Stat. §§ 23-3101, et seq., as amended, disposal of said van may be made without competitive bidding.

IT IS FURTHER RESOLVED that title and possession of said van be transferred and conveyed to the Hall County Museum Board d/b/a Stuhr Museum of the Prairie Pioneer to be used for museum purposes. The County Board Chairman and County Clerk are hereby authorized to execute, in the name of and on behalf of the County of Hall, and deliver the title and such other documents as required to convey and transfer said property to the Museum Board.

Resolution moved by Supervisor _____.

Seconded by Supervisor _____.

Vote:

Supervisor Arnold:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Eriksen:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Hartman:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Humiston:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Jeffries:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Lancaster	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Rye:	For ____; Against ____; Abstained ____; Not Present ____.

PASSED AND ADOPTED THIS _____ DAY OF DECEMBER, 2003.

HALL COUNTY BOARD OF
SUPERVISORS

—
Pamela Lancaster, Chairman of the Board
of Supervisors

Marla J. Conley, Hall County Clerk

Prepared by:
Jerom E. Janulewicz
Hall County Attorney

2c DISCUSSION AND ACTION ON LEASE OF ANTENNA SITE FROM KOLN-KGIN – Janulewicz requested that this item be tabled until the next meeting, there are issues on the proposed lease that need to be resolved.

2d CONSIDER AND APPROVE AMENDMENT OF KENO GRANT TO NEBRASKA VISUALLY IMPAIRED PEER SUPPORT ORGANIZATION - Janulewicz stated that this organization received a keno grant of \$3,000.00 to purchase hand held readers for grocery stores to assist the visually impaired reading labels on cans. The president of this organization contacted him requesting that the money be used for another program for home teaching and programs for older visually impaired people.

Jeffries stated that he does not have a problem transferring the money but he would like more information on this program. It is a state program and this organization wants to provide the program in this area. Janulewicz included a copy of the letter from Mr. Simons explaining the request.

Arnold made a motion and Eriksen seconded to table this item and contact Mr. Simons some to the meeting and explain the program. Arnold, Eriksen, Humiston, Jeffries and Rye all voted yes and Hartman and Lancaster voted no. Motion carried.

7 10:00 A.M. PUBLIC HEARING CONDITIONAL USE PERMIT FOR 180 FT TOWER FOR DIVERSIFIED TELECOM SERVICES – Eriksen made a motion and Arnold seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Hall County Building Inspector, Max Boersen was present and he stated that the landowners were contacted regarding this tower and no one responded.

Jeffries stated that the conditional use committee received the information for the tower. It is located on Burwick and US Highway 30 by Wood River. All of the information was not completed but the public hearing can be held and the action can be taken when the necessary affidavits are completed. The tower also had to moved back to meet the counties requirements.

Chairman Lancaster called for public participation and a representative from Diversified Telecom was present. . He stated that he is not familiar with the site because Dave Dubas had been working on this project, but he understands that the affidavits must be completed before the permit is issued.

County Attorney Jerry Janulewicz stated that extensive revisions were made to the zoning resolutions regarding towers in order to reduce the number of towers. These revisions put the burden on the people requesting the towers to prove that they have attempted to co-locate on other towers and if they build a tower the will allow others to also co-locate. This is the first request for a tower under the new regulations and they need to make sure the process is followed. The board does not need to act on this today. When the requirements are completed the board can come back and approve the conditional use permit.

Jeffries made a motion and Arnold seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Public Participation – Chairman Lancaster called for public participation and no one responded.

4a DISCUSSION ON LAW ENFORCEMENT MEMORIAL GRANT – County Sheriff Jerry Watson was present and stated that Congress approved funding for the law enforcement tribute act. This awards money to government bodies to erect memorials as a tribute to law enforcement personnel that are killed in the line of duty. He is requesting that Hall County become the fiscal agent to apply for the grant funds. The memorial will be located at the law enforcement training center. The funding requires a dollar for dollar match and this is not in the county budget but it can be added for next year. The committee has someone on staff to write and manage the grant. This went through the Criminal justice committee

Arnold made a motion and Rye seconded to approve the request for the county to act as the fiscal agent for the grant for the law enforcement tribute act. Watson stated that Sheriff Joe Yocum is also present if the board has any questions. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried

4b DISCUSS AND APPROVE THE PURCHASE OF REPLACEMENT VEHICLES - Sheriff Watson Discussed the purchase of vehicles with the criminal justice committee. The County Board approved \$90,000.00 for the purchase of 3 marked units, a transport van and 3 unmarked units. He is requesting to purchase two marked units at a total cost of \$61,047.00 along with the tear down and set up costs of \$4,800.00 and the purchase of a Chrysler mini van at a cost of \$25,899.00 less the trade in of \$15,700.00 for a net cost of \$10,199.00. The total of all purchase is \$75,046.00. These vehicles are purchased off of the state bid and GSA pricing.

Jeffries made a motion and Humiston seconded to approve the purchase of \$75,046.00 from the equipment acquisition fund. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

4c DISCUSS AND APPROVE REQUEST TO HIRE REPLACEMENT EMPLOYEE – Sheriff Watson is requesting to replace a sworn deputy and one support staff person. The support staff is a warrant processor and they have tried to cover this position with part-time and other employees but this has not been successful, so he is requesting to hire a fulltime person for this position.

Jeffries made a motion and Arnold seconded to approve the request from Sheriff Watson to hire a fulltime deputy and a support staff person. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

6 COUNTY TREASURER DORIS MASON – DISCUSS AND APPROVE REQUEST TO HIRE REPLACEMENT EMPLOYEE – County Treasurer Doris Mason is requesting to replace an employee in the motor vehicle department. She read a letter to the board regarding the request. She was in the process of advertising for the position when the board made the change regarding replacement employees. She stated that it is important to accommodate the public and provide sufficient staffing during the lunch hour and this position is in her current budget. Hartman made a motion and Jeffries seconded to approve the replacement employee for the Hall County Treasurer motor vehicle department. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

5A PUBLIC WORKS COMMITTEE REPORT CONCERNING DONIPHAN DRAINAGE PROJECT – Surveyor Dan Hostler included a letter from Dave Ziska with JEO concerning the Doniphan Drainage project. He stated that after consideration the landowner agreed that a new ditch would take more of his property and the run-off should continue through the slough on his property. The letter stated that Central Platte NRD will commit funds for the next fiscal year to help improve the flow. Mr. Ziska requested an application for a permit from the county to use the right-of-way for the drainage pipe.

Jeffries made a motion and Arnold seconded to approve the Doniphan drainage project and authorize public works to issue the permit to use the county right-of-way. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

5b PUBLIC WORKS COMMITTEE RECOMMENDATION FOR BID OPENING OVERLAY ASPHALT PROJECT - The public works committee recommended to set the bid opening for six miles of asphalt overlay for Rosedale Road for January 27, 2004 at

10:00 a.m. Jeffries made a motion and Arnold seconded to set the bid opening for January 27, 2004 at 10:00 a.m. Bid may be received until January 27th at 10:00 a.m.

5c COMMITTEE RECOMMENDATION FORM BID OPENING FOR 10-YARD DUMP TRUCK – December 2nd the bid opening was held for the truck and the committee did not award the bid. The low bidder has exceptions and the truck brand was not on the list. The committee recommended rejecting all bids and redoing the specifications it at a later date. The new specifications will request the equivalent of the specs. Discussion was held on the state bid but it is higher than the bids received.

Jeffries made a motion and Eriksen seconded to reject all bids and com back at a later date with the revised specifications. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried

12 PERSONNEL COMMITTEE RECOMMENDATION – DSCUSS AND APPROVE RESOLUTION ESTABLISHING SALARY FOR OFFICE OF HALL COUNTY PUBLIC DEFENDER – The salary for the public defender must be set before January 15, 2004. The committee reviewed information from 8 counties in the salary survey of elected officials. When the salaries for the other elected officials was set they received an 11% increase with a 3% cost of living raise for each subsequent year and the County Assessor's salary was set the same as the other elected officials.

Jeffries stated that is hard to set a salary five years in advance but the committee recommends to set the wage at \$55,268.99 and at the end of the four year term at \$60,393.92. Arnold stated that not all counties have full time public defenders and maybe this increase will encourage other people to file.

Hartman questioned why the number of jury trials in Hall County are so high. Other counties with court appointed attorneys have less jury trials. Lancaster stated that this is a concern and the justice system budget does need to be addressed,

Eriksen stated that he supports the resolution that the committee has brought forward but has a concern on the 3% increase for the following years and does not county employees to think that this is set and this is what they will receive this in the future.

Arnold stated that this position does not have a step scale and this salary is what is fair and right.

Jeffries made a motion and Arnold seconded to approve Resolution #03-0085 establishing salary for the public defender for a four year term beginning January 6, 2005. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman voted no. Motion carried.

13 DISUCSS AND APPROVE INTERLOCAL AGREEMENT WITH NANCE COUNTY FOR VETERANS SERVICES – This was discussed at the December 2nd board meeting and the board requested that the contract be reviewed by the County Attorney and a proposed but for the next fiscal year be submitted.

Jeffries made a motion and Humiston seconded to approve the interlocal agreement with Nance County for the veteran's service contract and authorize the chair to sign.

Lancaster stated that this contract will go through the rest of this fiscal year. Veterans Service Officer Don Shuda stated that the present contract renews itself every year. Eriksen stated that the revenue issues have been clarified. Mr. Shuda stated that the Chairman of the Nance County Board is also present to sign the agreement.

The vote on the motion to approve the interlocal was taken. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and one voted no. Motion carried.

16 COMMENCE AUDIT AND APPROVE BI WEEKLY PAY CLAIMS AND REGULAR CLAIMS – The board members reviewed the claims. Jeffries made a motion and Eriksen seconded to approve the bi weekly pay claims and regular claims and authorize the clerk to pay. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

An additional claim was presented to the Hall County Board for approval. The benches for the courtroom have been completed and are scheduled to be installed on December 29. The balance of the payment must be paid upon delivery. Building and Grounds Director Chuck Kauffman received the invoice on Monday December 15th and is presenting it for payment. Jeffries made a motion and Eriksen seconded to approve the claim for Ratigan Schotter Manufacturing in the amount of \$5,945.55 and authorize the clerk to pay. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

EMERGENCY ITEM DISCUSSION TO CLOSE COUNTY OFFICES ON DECEMBER 26TH – Jeffries made a motion and Hartman seconded to close the county offices on December 26th. President Bush closed the federal offices and the State of Nebraska closed their offices. He would like to close the county for good moral and in the spirit of the season.

Lancaster stated that this was discussed and she called the city and talked to the Mayor but did not put it on the agenda. Previous action has scheduled December 26th as a regular work day. She does not support changing the previous action.

Arnold agreed that the state offices are shut down but the offices have work to do. When this was done a couple of years ago and the offices that have essential employees still had to work this caused problems. He also wants to hold to the previous action. Eriksen also agreed that he wants to stay with the previous action.

The vote on the motion was taken. Hartman and Jeffries voted yes and Arnold, Eriksen, Humiston, Arnold and Rye all voted no. Motion failed.

COUNTY BOARD ASSISTANT'S REPORT – Board assistant Stacey Ruzicka was present and reminded the board members that a Christmas open house will be held at

the Hall County Airport. She also asked if the board members will let her know if they are going to attend the county board workshop in February and the property tax administrator training for the board of equalization.

BOARD MEMBER'S REPORTS – Hartman – no report

Humiston – no report

Eriksen – He reported that he attended the South Central Development Corporation meeting. This involves 12 counties and all but one county attended. They will meet again in mid January to start on the by-laws. The Health Board met and the open house in the new facility is scheduled for January 24, 2004. They are stressing that this is a three county health department. Sonja Simpson is back fulltime and they are working on hiring a new director. The election committee met this morning and the State HAVA act movement by the federal government is request counties for a pilot program. This act is to upgrade election procedures and equipment. Election Commissioner Dale Baker is requesting approval to be part of this pilot program. The committee authorized her to apply for the pilot program. This will be at no cost to the county and would save money in the end.

Rye – no report

Jeffries stated that the criminal justice committee met and had a long discussion on safety issues in the administration building. A report will be sent to the safety committee and then to the county board. There are some concerns on how the changes would affect the administration building. He said that the public work committee also met and discussed the bid problems and the completion of some projects. They also discussed a building that is in the county right-of-way at the Cornhusker Army Ammunition Plant.

Arnold also expressed concern on the safety of the administration building and the report has some good ideas that won't be expensive.

Lancaster stated most of her meetings have been reported. Senior Citizens are working on the addition to their building. She reminded the board members about the work study session on December 30th at 1:00 p.m. Discussion was held on changing the time for the regular meeting to 12:30 p.m. The regular meeting will be at 12:30 p.m. instead of 9:00 a.m. and the notice of meeting will be changed.

Meeting adjourned at 12:00 p.m. The next regular meeting will be December 30, 2003 at 12:30 p.m.

Marla J. Conley Hall County Clerk